

State of Wisconsin



2005 Senate Bill 499

Date of enactment: **May 23, 2006**
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2005 WISCONSIN ACT 446

AN ACT *to repeal* 84.095 (4) (a) 6., 84.095 (4) (a) 9. d. and 84.095 (4) (a) 10.; *to amend* 84.095 (1) (a), 84.095 (1) (c), 84.095 (2) (a), 84.095 (2) (b) 1., 84.095 (3) (b), 84.095 (4) (a) 1., 84.095 (4) (a) 7., 84.095 (4) (a) 9. (intro.), 84.095 (4) (a) 9. b., 84.095 (4) (b) 3., 84.095 (6) (title), 84.095 (6) (a), 84.095 (7) (title), 84.095 (7) (a), 84.095 (7) (c) and 84.095 (8) (b); *to repeal and recreate* 84.095 (1) (f) and 84.095 (4) (a) 9. c.; and *to create* 84.095 (4) (d), 84.095 (7) (d) and 84.095 (8m) of the statutes; **relating to:** recording and filing transportation project plats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 84.095 (1) (a) of the statutes is amended to read:

84.095 (1) (a) "Parcel" means one or more pieces of land, or interests or rights in land, under the same ownership or control to be acquired or disposed of for a project and depicted on a plat.

SECTION 2. 84.095 (1) (c) of the statutes is amended to read:

84.095 (1) (c) "Plat" means a map that is prepared for a project, or a part of a project, ~~and that consists of a single sheet.~~ The plat shall consist of a single sheet or a detail and a title sheet.

SECTION 3. 84.095 (1) (f) of the statutes is repealed and recreated to read:

84.095 (1) (f) "Title sheet" means a sheet that includes, but is not limited to, limits of the project, location map, and identification of plat symbols and abbreviations.

SECTION 4. 84.095 (2) (a) of the statutes is amended to read:

84.095 (2) (a) The department, or a city, village, town, or county, may submit any order or resolution relating to a project in the form of a plat for filing or recording in the office of the register of deeds in the county in which the parcel is located. The plat may include a separate title sheet and shall be filed or recorded within 20 days after the plat is signed under sub. (4) (a) 4. The register of deeds shall file or record any plat submitted under this subsection as a transportation project plat. A project authorized by an order or resolution may be described in more than one plat. Whenever a project is described in more than one plat, each plat may be submitted separately for filing or recording.

SECTION 5. 84.095 (2) (b) 1. of the statutes is amended to read:

84.095 (2) (b) 1. Plats filed or recorded under this section are for parcel or right of way delineation purposes only and do not effect a transfer or encumbrance of any title to real or personal property.

SECTION 6. 84.095 (3) (b) of the statutes is amended to read:

84.095 (3) (b) Corrections to a plat may be made only by the entity that prepared or submitted the plat for filing or recording and only if the correction does not affect the

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

interests or rights to be acquired ~~required~~. Corrections to a plat shall be made by filing or recording with the register of deeds an affidavit of correction that identifies the affected plat and states the defect in or change to the plat along with the correct information. An affidavit of correction may not be used to reconfigure parcels or rights and interests required for the project. Affidavits of correction may be used to correct distances, angles, directions, bearings, chords, lot and block numbers, street names, or other scrivener errors. The register of deeds shall make suitable notations on the plat to which the affidavit refers. The record of the affidavit of correction, or a certified copy of the record, is prima facie evidence of the facts stated in the affidavit.

SECTION 7. 84.095 (4) (a) 1. of the statutes is amended to read:

84.095 (4) (a) 1. An official order or resolution of the department, city, village, town or county authorizing the project. If the plat is to be used only to delineate existing highway right-of-way, the plat must refer to a resolution or revised relocation order from a previous project. If a recorded or revised relocation order does not exist, the department may establish right-of-way.

SECTION 8. 84.095 (4) (a) 6. of the statutes is repealed.

SECTION 9. 84.095 (4) (a) 7. of the statutes is amended to read:

84.095 (4) (a) 7. The coordinate reference, ~~if applicable~~ and datum.

SECTION 10. 84.095 (4) (a) 9. (intro.) of the statutes is amended to read:

84.095 (4) (a) 9. (intro.) The delineation of each parcel. For each parcel, a ~~complete~~ description of the following shall be included:

SECTION 11. 84.095 (4) (a) 9. b. of the statutes is amended to read:

84.095 (4) (a) 9. b. The right, title or interest in land ~~to be acquired~~ required.

SECTION 12. 84.095 (4) (a) 9. c. of the statutes is repealed and recreated to read:

84.095 (4) (a) 9. c. The area of the parcel required.

SECTION 13. 84.095 (4) (a) 9. d. of the statutes is repealed.

SECTION 14. 84.095 (4) (a) 10. of the statutes is repealed.

SECTION 15. 84.095 (4) (b) 3. of the statutes is amended to read:

84.095 (4) (b) 3. The location of the highway reference line by bearing and distance from a boundary line of a section, ~~if known~~, or from a recorded private claim or federal reservation.

SECTION 16. 84.095 (4) (d) of the statutes is created to read:

84.095 (4) (d) The requirements under this section and in Wisconsin Administrative Code AE-7.08, entitled "U.S. public land survey monument record" in effect on

January 1, 2004, contain all of the requirements for a transportation project plat.

SECTION 17. 84.095 (6) (title) of the statutes is amended to read:

84.095 (6) (title) PLAT DIMENSIONS AND PAPER MEDIA.

SECTION 18. 84.095 (6) (a) of the statutes is amended to read:

84.095 (6) (a) No plat may be filed or recorded in the office of a register of deeds unless the plat has a ~~binding~~ margin of 1.5 inches wide and a ~~one-inch~~ margin on all other sides, and is ~~printed on muslin-backed white paper that is produced on any material that is capable of clearly legible reproduction or other media that is acceptable to the register of deeds. The dimensions of the plat shall be 22 inches wide by 30 inches long with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness. Larger plats may be used if acceptable to the register of deeds and agreeable to the agency who submitted the plat.~~ A plat that is submitted for filing or recording shall contain a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of deeds.

SECTION 19. 84.095 (7) (title) of the statutes is amended to read:

84.095 (7) (title) DESCRIPTION FOR PARCELS AND REMAINDER INTERESTS ~~REMNANT PARCELS.~~

SECTION 20. 84.095 (7) (a) of the statutes is amended to read:

84.095 (7) (a) Whenever a plat has been filed or recorded under this section, any parcel depicted in the plat that is ~~acquired~~ required for a project by conveyance or eminent domain proceedings shall be described as follows:

Parcel (number) of transportation project plat (project number), recorded in volume (number) of transportation project plats, page (number), ~~on (date), (county name) register of deeds, and located in (quarter section, section, township and range; recorded private claim; or federal reservation) as document (number), recorded in (county name), Wisconsin.~~

SECTION 21. 84.095 (7) (c) of the statutes is amended to read:

84.095 (7) (c) Subsequent conveyances, mortgages, and other instruments ~~concerning a remainder interest affecting title to an adjoining parcel of land and its associated rights or interests~~ may refer to the parcel description in par. (a) as an exception to the conveyance.

SECTION 22. 84.095 (7) (d) of the statutes is created to read:

84.095 (7) (d) The plat may be used to depict remnant parcels to be disposed of or to delineate existing highway right-of-way.

SECTION 23. 84.095 (8) (b) of the statutes is amended to read:

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84.095 (8) (b) Within 3 working days after the date on which a plat is submitted for recording under this section, the register of deeds shall assign a document number and volume and page of recording for the plat and, ~~if the person submits with the plat a properly addressed postcard for which postage had been paid, the register of deeds shall provide written notice of such the recording~~

information to the ~~person who~~ agency that submitted the plat.

SECTION 24. 84.095 (8m) of the statutes is created to read:

84.095 (8m) SURPLUS PARCELS. The department may not divide a surplus parcel, as defined by the department, under this section.
